REMARKS

Claims 1-9 are pending in this application. By this Response, claims 1 and 8 are amended to recite "a method, implemented on a computer system..." and "a computer system...," respectively. Support for these amendments may be found at least at page 9, lines 19-22. This amendment (1) does not raise any new issues requiring further search or consideration, (2) reduces the issues on appeal, as discussed hereafter, and (3) places the claims in better condition for appeal should an appeal be necessary. Accordingly, entry of the amendments to claims 1 and 8 is proper. Reconsideration of the claims is respectfully requested in view of the following remarks.

An amendment to the specification is made to address the objection raised in the First Office Action and reiterated in the Final Office Action. No new matter has been added by the amendment to the specification.

I.   Telephone Interview

Applicants thank Examiner Stevens and Primary Examiner Shaw for the courtesies extended to Applicants' representative during the March 14, 2005 telephone interview. During the telephone interview, the rejections under 35 U.S.C. 112, second paragraph and 35 U.S.C. 101 were discussed. The Examiners stated that they did not wish to discuss the art rejections because their position was finalized in the Final Office Action.

With regard to the rejections under 35 U.S.C. 112, second paragraph, Applicants asserted that one of ordinary skill in the art is well aware of what a "computer usable" medium is and what constitutes a computer usable medium having computer readable instructions. In response, the Examiners merely stated that the specification must include a definition of such terms in order for the use of such terms in the claims to be definite. The Examiners stated that the concern is with regard to whether such terms include transmission or carrier wave media.

Applicants' representative responded that such a position completely disregards the level of one of ordinary skill in the art and instead examines the claims in a vacuum.

This is clearly an erroneous approach to examination since it is stated in many places within the MPEP that the examiner must examine the application in light of one of ordinary skill in the art. For example, Applicants have not defined what a "computer" is, what a "table" is, or what a "cell" of a spreadsheet is, yet one of ordinary skill in the art would understand the usage of these terms and the scope associated with these terms even though the Applicants have not presented a formal definition of these terms in the specification. The Examiner has not asserted that these terms are indefinite because one of ordinary skill in the art understands what these terms mean and what their scope is. Similarly, the term "computer usable medium" is well known to those of ordinary skill in the art. The MPEP even uses the terminology "computer readable medium," which is synonymous to a "computer usable medium comprising computer readable instructions," as exemplary of claim language directed to statutory subject matter (see MPEP 2106).

Whether or not the term "computer usable medium" encompasses carrier waves or transmission medium is irrelevant to a determination as to whether the terms are definite or not. Such considerations are directed to the breadth of the claim language, not to the definiteness of the claim language. Moreover, nowhere in the MPEP is there any statement that claim language directed to carrier waves or transmission medium is indefinite and defines non-statutory subject matter.

The Examiners stated that such language that encompasses carrier waves or transmission medium would be indefinite because carrier waves and transmission media are not physical elements. Applicants respectfully disagree. Carrier waves and transmission media are physical media. While they are not immediately perceivable by the human eye, they are physical. Moreover, there is no basis in the MPEP for holding terminology indefinite for lack of physicality. In addition, there is no statement anywhere in the MPEP to the effect that carrier waves or transmission media are non-statutory. To the contrary, as set forth herein below, the MPEP clearly states that functional descriptive material in a computer readable media, which would encompass carrier waves and transmission media, is statutory.

The Examiners essentially made the same arguments when addressing the 35 U.S.C. 101 rejection with regard to the computer useable medium claim, e.g., claim 9. Moreover, when pressed to support such a position, the Examiners merely stated that the

MPEP has been changed to not include the section, i.e. section 2106(IV)(B)(1), stating that computer readable medium are statutory and that the case law was changing. As a result, the Examiners stated that they were going to stand by their rejection. Such a position is improper because (1) the MPEP has not been changed and the applicable case law has not changed; and (2) it makes Applicants have to respond to supposed case law and supposed MPEP text that is not yet in existence.

Applicants' representative has checked his own MPEP and the MPEP available from the Patent Office website and has verified that MPEP section 2106(IV)(B)(1) has not been changed as of the time of the Final Office Action, the telephone interview, and the filing of this Response, to eliminate the portion stating that functional descriptive material in a computer readable medium is statutory. Nor are Applicants aware of any case law that overturns the holding in *In re Lowry*, referenced below and used as a basis in the MPEP. Thus, despite the Examiners' assurances that "things are changing," they have not in fact changed and the Examiners must examine the claims based on the status of the MPEP and case law at the time of the examination, not what the MPEP and case law might say in the future. If the Examiners have a basis for their position, they must clearly state what it is with particularity, rather than relying on supposed changes that may or may not be made in the future.

The substance of the telephone interview with regard to other issues discussed is summarized in the following remarks.

II.   Amendments to Claims

The amendments to claims 1 and 8 are submitted in order to reduce the issues pending in the prosecution of this application. While Applicants disagree with the Examiner's position with regard to the 101 issues raised in the Final Office Action, in an effort to reduce issues, Applicants have amended claim 1 to recite "a method, implemented on a computer system" as suggested by Examiner Shaw during the telephone interview. Moreover, in light of the Examiners' statements during the telephone interview, while Applicants do not believe a "system" claim reciting "means for" can reasonably be interpreted as a "software system," especially when the

specification clearly illustrates a computer system, Applicants have amended claim 8 to recite a "computer system." Such amendments do not raise any new issues requiring further search or consideration since the Examiners stated that they clearly understood these claims to be directed to a computer implemented method and a computer system. Moreover, the specification clearly illustrates the method as being implemented in a computer system and draws a distinction between the present invention and hand written spreadsheets (see the Background of the Invention). Moreover, the art cited by the Examiner in the rejections of the claims are directed to computer implemented spreadsheets. Thus, these amendments do not raise any new issues requiring further search or consideration, and actually simplifies issues for appeal should an appeal be necessary. In other words, if the Examiner truly believes that the art cited in the rejections teaches every aspect of the presently claimed invention, then there would not be any need to change his stance simply because Applicants have amended the claims to recite a method "implemented on a computer system" or a "computer system."

III.   Objection to the Specification

The Final Office Action maintains the objection to the specification with regard to page 16, line 12. By this Response, this paragraph is amended to replace the term "offer" with "offers" in accordance with the suggestion made in the First Office Action. In view of the above, Applicants respectfully request withdrawal of the objection to the specification set forth in the Final Office Action.

IV.   Rejection of Claim 9 under 35 U.S.C. 112, Second Paragraph

The Final Office Action rejects claim 9 under 35 U.S.C. 112, second paragraph alleging that the term "computer usable medium" is indefinite because it is not defined in the specification. This rejection is respectfully traversed for the reasons stated above in Applicants' summary of the telephone interview, and the reasons set forth hereafter.

Applicants respectfully submit that the terms in the claims must be examined in light of the level of one of ordinary skill in the art and are not to be examined in a

vacuum. Those of ordinary skill in the art are well aware of what a "computer usable medium" is and it is not necessary to provide a specific definition of this term in the specification for this term to be definite. As is known to those of ordinary skill in the art, a computer usable medium comprising computer readable instructions is any medium that is capable of carrying data and/or instructions that are readable by a computing device. Examples of such computer-useable medium include floppy disks, hard disks, magnetic tape, CD-ROMs, DVD-ROMs, carrier waves, transmission media, and the like. While this term may be broad, it is definite since one of ordinary skill in the art can clearly determine what types of media fall within the scope of the term "computer usable medium."

In view of the above, Applicants respectfully submit that claim 9 is not indefinite. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 7 under 35 U.S.C. 112, second paragraph.

V.   Rejection of Claims 1-9 under 35 U.S.C. 101

The Final Office Action rejects claims 1-9 under 35 U.S.C. 101 alleging that the claims are directed to non-statutory subject matter. This rejection is respectfully traversed for the reasons stated above in the summary of the telephone interview and in the remarks hereafter.

With regard to claim 1, the Final Office Action alleges that claim 1 is directed to non-statutory subject matter because the "language of this claim raises a question as to whether this claim is directed merely to an abstract idea that is not tied to a technological art, environmental machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis for statutory subject matter under 35 USC 101." As argued in the Response to the First Office Action, the presently claimed invention provides a concrete, useful and tangible result and, in accordance with the MPEP and applicable case law, it is not necessary to recite physical limitations that name technological apparatus in order for the method claims of the application to recite statutory subject matter since the claims are not directed solely to an abstract idea or to manipulation of abstract ideas.

However, in an effort to reduce issues currently pending in the present application, claim 1 is amended by this Response to recite "A method, *implemented on a computer system...*" Thus, Applicants respectfully submit that since claim 1, and the other method claims, now clearly recite that the method is implemented on a computer system, the method cannot simply be performed using pencil and paper as alleged in the Final Office Action and instead are performed in a computer system. Therefore, the method claims are clearly directed to the technological arts and do not raise any "question as to whether this claim is directed merely to an abstract idea."

With regard to claim 8, the Final Office Action alleges that this claim recites a computer program *per se* and thus raises a question as to whether it is directed to statutory subject matter. Claim 8 recites a "system" and has as elements "means for" performing a plurality of operations. It is not understood how a "system" can be a "computer program *per se.*" To the contrary, claim 8 clearly is directed to a physical system that has elements that are capable of performing the operations specifically set forth in the claim. Figure 1A of the present application provides one example of such a system. Since claim 8 is directed to a system, it is within the technological arts and thus, is not directed to non-statutory subject matter.

Moreover, in an effort to reduce issues pending in this application, claim 8 is amended by this Response to recite a "computer system." Thus, it is made clear that the system recited in claim 8 is a computer system, not a "software system." Thus, claim 8 is clearly directed to statutory subject matter, i.e. a computer system.

Regarding claim 9, the Final Office Action alleges that this claim is directed to a "computer usable medium" which may encompass an intangible embodiment (such as a carrier wave or transmission media). Applicants respectfully submit that computer programs embodied in computer usable or computer readable medium have been held to be statutory and thus, the Final Office Action is in error. As stated in the MPEP at section 2106 (IV)(B)(1), "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized." As an example, in *In re Lowry*, 32 F.3d 1579,

1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) a claim to a data structure stored on a computer readable medium that increases computer efficiency was held to be statutory.

In the present case, claim 9 recites a computer-usable medium comprising computer readable instructions adapted for defining one or a plurality of combinations, each combination comprising one or a plurality of options, defining a source cell range and a destination cell range, defining an operation to execute, either copy and paste, or cut and paste, etc. (see claim 1). This is clearly directed to functional descriptive material embodied in a computer usable medium and thus, is statutory in accordance with the MPEP and the applicable case law.

In view of the above, Applicants respectfully submit that all of the claims are directed to statutory subject matter. Accordingly, Applicants request withdrawal of the rejection of claims 1-9 under 35 U.S.C. 101.

VI.   Rejection of Claims 1-4 and 6-9 under 35 U.S.C. 103(a)

The Final Office Action rejects claims 1-4 and 6-9 under 35 U.S.C. 103(a) as being allegedly unpatentable over Kelly, Using Microsoft Excel 97, 3rd Edition, Que Corp., Indianapolis, IN, 1998 in view of Ammirato et al. (U.S. Patent No. 6,438,565). This rejection is respectfully traversed.

Claim 1, which is representative of the other rejected independent claims 8 and 9 with regard to similarly recited subject matter, reads as follows:

> 1.   A method, implemented on a computer system, of handling user-defined options during a copy and paste or a cut and paste operation within a multi dimensional spreadsheet (200) comprising a plurality of cells identified by a cell address along each dimension, said method comprising the steps of:
>   defining one or a plurality of combinations, each combination comprising one or a plurality of options;
>   defining a source cell range and a destination cell range;
>   defining an operation to execute, either copy and paste, or cut and paste;
>   for each defined option combination comprising one or a plurality of options, if at least one cell in the source cell range comprises a reference to said one or plurality of options,

computing the content of each cell within the source cell range according to said one or plurality of options;
creating a version instance of the destination cell range;
copying the source range of cells into said version instance;
and
when the last option combination is copied, clearing the source cell range if the operation is cut and paste;
wherein each of said options is defined as a Boolean variable, which can be set as "True" or "False," and impact the content of a cell within an electronic spreadsheet.
(emphasis added)

Applicants respectfully submit that neither Kelly nor Ammirato teach or suggest the specific features recited in claim 1. Specifically, neither reference teaches or suggests the specific methodology recited in claim 1 including "defining one or a plurality of combinations, each combination comprising one or a plurality of options...for each defined option combination comprising one or a plurality of options, if at least one cell in the source cell range comprises a reference to said one or plurality of options...computing the content of each cell within the source cell range according to said one or plurality of options; creating a version instance of the destination cell range; copying the source range of cells into said version instance..."

With the present invention, as recited in claim 1, when either a copy and paste operation or a cut and paste operation executes, for each defined combination of options, if a cell in the portion of the spreadsheet that is being copied and pasted, or cut and pasted, includes a reference to one or more options in the combination of options, then the following operations are performed: (1) the content of each cell within the source cell range is computed according to the one or more options, (2) a version instance of the destination cell range is created, and (3) the source range of cells is copied into the version instance. Neither reference teaches or suggests such a functionality.

Kelly teaches the ability to copy and move ranges of cells in a spreadsheet and also that the spreadsheet application has a "drag-and-drop cell editing option" that may or may not be enabled. As acknowledged by the Office Action, this reference does not teach anything regarding defining combinations of options or for each defined option combination, performing any of the other functions in claim 1.

Ammirato teaches the ability to manage scenarios in a spreadsheet. In Ammirato, the user may select a "capture window" and may then edit the values of cells in the "capture window" to generate a new scenario. The new scenario may then be stored in a scenario group along with a baseline scenario. Thus, Ammirato provides a mechanism for a user to select what cells he/she wants to edit, permits the user to edit them, and save the edited cells as a separate scenario. In contrast, the present invention, as recited in claim 1, defines a copy and paste or cut and paste operation and, for each combination of options, if an option is referenced by a cell that is being copied, the content of cells that are being copied is computed with regard to the referenced option and is stored in a generated version instance.

Thus, with the present invention, the copy and paste or cut and paste operation instigates the checking of references in cells that are being copied to determine if they reference an option in one or more of a pre-established combination of options. If a cell that is being copied references an option in a combination of options, then the content of the cells being copied is computed with respect to that option and is stored in a version instance. With Ammirato, a user selects what cells to edit, edits them, and then stores them as a separate scenario. Nowhere in Ammirato is the specific set of operations recited in claim 1 taught or suggested. Nowhere in Ammirato is there ever any establishment of a combination of options. Nowhere in Ammirato is there ever any determination as to whether cells that are being copied reference one or more options in one or more combinations of options. Nowhere in Ammirato is there ever any computation of the content of cells that reference one or more options in one or more combinations of options, with respect to the one or more options. Nowhere in Ammirato is there the creation and storage of cell contents to version instances in response to a determination that cells that are being copied reference one or more options in one or more combinations of options.

The Final Office Action alleges that the features of claim 1 are taught by Ammirato simply because Ammirato teaches "Scenario Group Control" and "Group Options" in Figure 4A, and versions in Figure 5B. The "Scenario Group Control" (element 405) of Figure 4A provides an interface that permits a user to generate a new scenario group, name the scenario group, rename the scenario group, delete the scenario

group, and define the capture area in the group options (element 410). These elements of Figure 4A do not define options that may be referenced by cells in the spreadsheet. In other words, if the "options" of Figure 4A are to be equated with the "combination of options" recited in claim 1, where is there any teaching or suggestion in Ammirato to determine, for each defined option combination comprising one or a plurality of options, if at least one cell in the source range comprises a reference to said one or plurality of options? The options in Figure 4A are merely there to help the user define the capture window, they are not options that may be referenced by cells of the spreadsheet and there is no teaching or suggestion in Ammirato that such options are to be referenced by cells or to perform operations based on whether a cell contains a reference to such an option.

Figure 5B merely shows that the user may edit the values in cells of a capture window in order to generate different scenarios 565-595. While this process may involve the user generating version instances, and storing the edited values in the version instances, these operations are not performed based on a determination that, for each defined option combination comprising one or a plurality of options, at least one cell in the source cell range comprises a reference to said one or plurality of options. In other words, the generation of versions in Ammirato is completely left up to the user. In the presently claimed invention, as recited in claim 1, the generation of versions is performed automatically upon the execution of a copy and paste or cut and paste operation and when it is determined that at least one cell in the set of cells being copied references one or more options in one or more pre-established combinations of options. Such functionality is not taught or suggested by Ammirato, despite the Final Office Action's allegations to the contrary.

In view of the above, Applicants respectfully submit that neither Kelly nor Ammirato, whether taken alone or in combination, teaches or suggests the features of independent claim 1 and the similar features found in claims 8 and 9. At least by virtue of their dependency on claim 1, neither Kelly nor Ammirato, either alone or in combination, teach or suggest the features of dependent claims 2-4 and 6-7. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-4 and 6-9 under 35 U.S.C. 103(a).

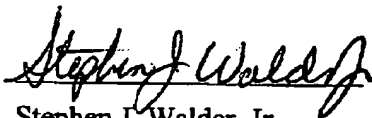## VII.   Rejection of Claim 5 under 35 U.S.C. 103(a)

The Final Office Action rejects claim 5 under 35 U.S.C. 103(a) as being allegedly unpatentable over Kelly in view of Ammirato and further in view of Deitel et al., C++: How To Program, 2nd Edition, Prentice Hall, Upper Saddle River, NJ, 1994. This rejection is respectfully traversed for at least the same reasons as stated above with regard to claim 1 from which claim 5 depends. That is, neither Kelly nor Ammirato, either alone or in combination, teach or suggest the features of claim 1, from which claim 5 depends. Moreover, Deitel does not provide for the deficiencies of Kelly and Ammirato discussed above and thus, any combination of Deitel with Kelly and Ammirato still does not result in the invention as recited in claim 1 being taught or suggested. Deitel is cited as teaching the setting of a "false" value to zero. Even if Deitel teaches such a feature, such a teaching does not provide the teachings that are deficient in Kelly and Ammirato discussed above. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 5 under 35 U.S.C. 103(a).

VIII.   Conclusion

It is respectfully urged that the subject application is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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